From: twdow@cfl.rr.com@inetgw
To: Microsoft ATR
Date: 1/27/02 2:05pm
Subject: Microsoft Settlement

I respectfully suggest that the Proposed Final Judgement be rejected, based on the following facts:

A. There is no provision preventing Microsoft from restricting the use of non-Microsoft middleware as a means by which competing operating systems might make use of software designed for Windows. Such an option would greatly enhance the competitive environment, serve the public interest, and lower the barrier of entry for new operating systems. Microsoft has a history of preventing competing products from working with it's operatng systems, as was the case with Corel's "DR.DOS" product and Windows 3.1. It is certain that they will resume this anti-competitive practice, unless prevented.

B. The provision, in Section III/I, Subsection 5, that a licensee be required to license it's products back to Microsoft, is to Microsoft's advantage. The monopoliust already has an advantage, acquired thought illegal means. any judgement needs to deny Microsoft the ability to preserve and extend it's illegal monopoly.

C. Section III/J, Subsection 2(c), requires that a licensee meet standards "... established by Microsoft for certifying the authenticity and viability of its business". This provision is so broad that it effectively makes the final judgement invalid. This provision limits the licensee to "businesses" but, by Microsoft's own admission, some of it's chief competitors are non-business entities like Apache, Samba, and Linux.

D. Nowhere in the PFJ is Microsoft required to disclose information about its file formats (Microsoft Word, Excel, WMP, and so on).

It is clear that Microsoft will continue largely unpunished should the Proposed Final Judgement be accepted. Microsoft has been found guilty of maintaining an illegal monopoly. A resolution is needed that is far more effective at delivering a suitable remedy.

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